

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

Case No. 7:97-cr-63-M-2

Case No. 7:23-cv-1052

JIMMY RAY WAKEFIELD,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

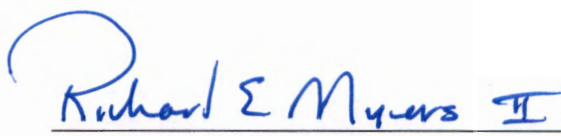
This matter comes before the court on Petitioner Jimmy Wakefield's ("Wakefield") motion for an extension of time to respond to Respondent United States' pending motion to dismiss his § 2255 petition [DE 387]; and his motions for courtesy copies of certain documents in his case [DE 388, 391]. Wakefield seeks a 60-day extension to afford him an adequate opportunity to respond to the United States' legal and factual positions. *See* DE 387 at 1–2. To support his response, Wakefield also seeks an order directing the United States to provide him with a courtesy copy of (1) the transcript for grand jury proceedings supporting the indictment and superseding indictment; (2) his plea agreement; and (3) the transcript for his arraignment. DE 391 at 1.

Wakefield has not demonstrated a particularized need for the requested transcripts. *United States v. Gallo*, 849 F.2d 607 (Table), 1988 WL 60934, at *1 (4th Cir. May 31, 1988) ("Copies of transcripts and court records may be provided to an indigent litigant at government expense upon a showing by the litigant of a particularized need."). Indeed, nothing in the United States' motion or memorandum indicates that it relied on the requested transcripts to support its factual position. *See* DE 385 at 2 n.1. Rather, the United States indicates that it relied on, and possesses copies of,

the superseding indictment [DE 87], the plea agreement [DE 113], and his presentence report. *Id.* To the extent that Wakefield requests a copy of the superseding indictment, his plea agreement, and his presentence report to clarify the United States' factual contentions regarding the nature of the charges and his guilty plea, *see, e.g.*, DE 391 at 2, the court finds that he has demonstrated a particularized need to warrant the production. *See Gallo*, 849 F.2d 607.

For the foregoing reasons, the court GRANTS IN PART and DENIES IN PART Wakefield's motions for courtesy copies [DE 388, DE 391]. The United States shall serve on Wakefield copies of the superseding indictment, his plea agreement, and his presentence report on or before August 1, 2024. Moreover, for good cause shown, the court GRANTS Wakefield's motion for an extension of time to respond [DE 387]. Any response shall be filed on or before August 22, 2024. *See* Local Civil Rule 7.1(f).

SO ORDERED this 25th day of July, 2024.


RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE